

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 10, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PETER IVAN FLORES,

Defendant.

No. 2:21-CR-00043-TOR-7

ORDER SETTING RELEASE
CONDITIONS

ECF No. 187

On September 9, 2021, the Court conducted a detention review hearing to address Defendant's Motion to Modify Conditions of Release, ECF No. 187. With his consent, Defendant appeared by video and was represented by Frank Cikutovich. Assistant United States Attorney Patrick Cashman represented the United States.

Defendant states he has completed inpatient treatment and has scheduled an intake appointment for continuing outpatient care. He states he has secured a release address with his aunt and that his father and uncle have offered him the chance for potential employment.

1 The United States and the United States Probation/Pretrial Services Office
2 oppose the motion for release.

3 The Court has concerns about Defendant acquiring the current federal
4 charge while on state supervision and Defendant's history of accumulating state
5 charges that are later dismissed. Nonetheless, the Court finds that release under
6 strict conditions is appropriate and that the combination of strict conditions set
7 forth below will reasonably assure the safety of the community and Defendant's
8 appearance at future court proceedings.

9 Accordingly, **IT IS ORDERED:**

10 1. Defendant's Motion to Modify Conditions of Release, **ECF No. 187**,
11 is **GRANTED**.

12 2. Defendant shall be subject to the following conditions of release.

13 **STANDARD CONDITIONS OF RELEASE**

14 1. Defendant shall not commit any offense in violation of federal, state,
15 or local law. Defendant shall advise the supervising Pretrial Services Officer and
16 defense counsel within one business day of any charge, arrest, or contact with law
17 enforcement. Defendant shall not work for the United States government or any
18 federal or state law enforcement agency unless Defendant first notifies the
19 supervising Pretrial Services Officer in the captioned matter.
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1 2. Defendant shall immediately advise the Court and the United States
2 Attorney in writing before any change in address.

3 3. Defendant shall appear at all proceedings and surrender as directed for
4 service of any sentence imposed.

5 4. Defendant shall sign and complete form A.O. 199C before being
6 released and shall reside at the address furnished.

7 5. Defendant shall not possess a firearm, destructive device, or any
8 dangerous weapons.

9 6. Defendant shall report to the U.S. Probation/Pretrial Services office
10 before or immediately after release and shall report as often as they direct, at such
11 times and in such manner as they direct.

12 7. Defendant shall contact defense counsel at least once a week.

13 8. Defendant is further advised it is unlawful for any person who is
14 under indictment for a crime punishable by imprisonment for a term exceeding one
15 year, to receive, ship or transport in interstate or foreign commerce any firearm or
16 ammunition or receive any firearm or ammunition which has been shipped or
17 transported in interstate or foreign commerce.

18 9. Defendant shall refrain from use or unlawful possession of a narcotic
19 drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed
20 by a licensed medical practitioner in conformance with Federal law. Defendant

1 may not use or possess marijuana, regardless of whether Defendant has been
2 authorized medical marijuana under state law.

3 10. Defendant shall surrender any passport to Pretrial Services and shall
4 not apply for a new passport.

5 **SPECIAL CONDITIONS OF RELEASE**

6 1. Defendant shall remain in the Eastern District of Washington unless
7 given permission by the United States Probation/Pretrial Services Office.

8 2. Defendant shall avoid all contact, direct or indirect, with any **co-**
9 **defendants** and with any persons who Defendant would reasonably know are or
10 may become a victim or potential witness in the subject investigation or
11 prosecution.

12 3. Defendant shall have no contact, direct or indirect, with any known
13 gang members.

14 4. Defendant shall submit to a substance abuse evaluation and undergo
15 any recommended substance abuse treatment as directed by the United States
16 Probation/Pretrial Services Office. Prior to commencing any evaluation or
17 treatment program, Defendant shall provide waivers of confidentiality permitting
18 the United States Probation/Pretrial Services Office and the treatment provider to
19 exchange, in any form and at any time, any and all diagnostic information,
20 treatment recommendation information, or compliance reports, or records related

1 to Defendant's conditions of release and supervision, and evaluation, treatment,
2 and performance in the program. It shall be the responsibility of defense counsel
3 to provide such waivers.

4 5. Defendant shall abstain totally from the use of alcohol.

5 6. Defendant shall submit to random urinalysis and/or breathalyzer
6 testing as directed by the United States Probation/Pretrial Services Office.

7 7. Defendant shall refrain from obstructing or attempting to obstruct or
8 tamper, in any fashion, with the efficiency and accuracy of any prohibited
9 substance testing which is required as a condition of release.

10 8. GPS Location Monitoring: Defendant shall participate in a program of
11 GPS location monitoring. Defendant shall wear at all times a GPS device under
12 the supervision of United States Probation/Pretrial Services Office. In the event
13 Defendant does not respond to GPS monitoring or cannot be found, the United
14 States Probation/Pretrial Services Office shall notify the United States Marshals'
15 Service, who shall immediately find, arrest, and detain Defendant. Defendant shall
16 pay all or part of the cost of the program based upon ability to pay as determined
17 by the United States Probation/Pretrial Services Office.

18 9. Home Confinement: Defendant shall be restricted at all times to
19 Defendant's residence except for the following: attorney visits; court appearances;
20 case-related matters; court-ordered obligations; or other activities as pre-approved

1 by the United States Probation/Pretrial Services Office or Defendant's supervising
2 officer, including but not limited to employment, religious services, and medical
3 necessities.

4 DATED September 10, 2021.

5 s/Mary K. Dimke
6 MARY K. DIMKE
7 UNITED STATES MAGISTRATE JUDGE
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